



hispanicfederation

VIA ELECTRONIC MAIL

March 8, 2021

The State of Connecticut  
Government Administration and Elections Committee  
State Legislative Office Building  
300 Capitol Avenue  
Hartford, CT 06106

RE: LatinoJustice PRLDEF and Hispanic Federation Letter in Support of Connecticut Raised Bill S.B. 753 - An Act Concerning the Counting of Incarcerated Persons for Purposes of Determining Legislative Districts

Dear Senator Winfield, Senator Slap and Representative Dillon:

LatinoJustice PRLDEF (“LatinoJustice”) and Hispanic Federation (“HF”) respectfully submit this letter in strong support of S.B. 753, An Act Concerning the Counting of Incarcerated Persons for Purposes of Determining Legislative Districts. We *urge* the legislature to prioritize and pass this bill in the 2021 legislative session in order to bring an expeditious end to prison gerrymandering in Connecticut. It is time for Connecticut to take immediate action to restore electoral power to *communities of color* that have historically been disenfranchised by a practice that dilutes the votes of urban residents.

LatinoJustice PRLDEF, originally established as the Puerto Rican Legal Defense and Education Fund (PRLDEF) in 1972, is one of the country’s leading nonprofit civil rights legal defense fund. LatinoJustice works to advance, promote, and protect the legal rights of greater pan-Latino communities throughout the nation. LatinoJustice’s work is focused on challenging systemic discriminatory policies and practices that disenfranchise Latinos and ensuring equal access to justice in the advancement of voting rights, housing rights, educational equity, immigrant rights, language access, employment rights, and workplace justice. As part of the work to protect the rights of Latino voters, LatinoJustice has advocated and litigated against practices that seek to dilute the vote of minority communities such as voter roll purges, failure to provide language assistance at poll sites, and redistricting practices that give undue political power to districts with prisons. Most notably, the organization fought against the practice of prison gerrymandering in *Little v. LATFOR*<sup>1</sup>, a case that upheld a New York state law requiring individuals who are incarcerated to be allocated to their home communities for local and state redistricting and reapportionment.

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<sup>1</sup> Little v. LATFOR, No. 2310-2011 (Sup. Ct. N.Y. Dec.1, 2011).

The Hispanic Federation is the nation's premier Latino membership organization with a mission to advance and empower the Hispanic community locally and nationally. HF represents more than 100 Latino non-profits in the Northeast and nationwide to promote the social, political, and economic well-being of the Latino community. HF does that by supporting and strengthening Latino nonprofits, conducting public policy research and advocacy, and offering an array of community programs in the areas of education, immigration, health, economic empowerment, disaster-relief, and civic engagement.

Under its own voting laws, Connecticut recognizes that individuals who are incarcerated are not residents of the prison or the town in which the prison is located. As the statute reads, "No person shall be deemed to have lost his residence in any town by reason of his absence therefrom in any institution maintained by the state."<sup>2</sup> The law goes further into defining that for those incarcerated who retain their right to vote, they must do so as residents of their home district. "Any person in the custody of the state being held at a community correctional institution, whose voting rights have not been denied, shall be deemed to be absent from the town or city of which he is an inhabitant for the purposes of voting."<sup>3</sup> Despite acknowledging that those incarcerated within the confines of such voting district are not residents of the town, current redistricting laws allows the physical presence of these individuals to be used to artificially inflate the population of such districts. This discriminatory practice threatens the very idea of equal representation among voters, especially those of communities of color.

The hyper-incarceration of Latinos in Connecticut is evident where Latinos make up 16.5% of the state's total population but disproportionately make up 27% of the total incarcerated population<sup>4</sup>. The impact of Connecticut's discriminatory redistricting practices is most apparent when we look at the redistricting cycle of 2011. During this cycle, a number of majority-white House districts counted individuals incarcerated as living within their district. For example, in District 59, which houses the Robinson, Willard-Cybulski and Enfield correctional facilities, the population according to the census was 24,314 residents of which 3,374 were incarcerated and out of which 2,345 of those incarcerated were people of color<sup>5</sup>. Within District 59, a shocking 13.9% of their district "population" was incarcerated and unable to participate in or benefit from the district's electoral process.

It is by no mistake that the prison population in Connecticut disproportionally comes from the five largest cities, Bridgeport, Hartford, New Haven Stamford, and Westbury while 65% of the state's prisons are located in just five towns: Cheshire, East Lyme, Enfield, Summers and Suffield<sup>6</sup>. These five towns which contain the majority of the state's prisons are all majority-White communities, and of the overall people of color counted as "residing" within the community, 32%-79% are incarcerated and residents of other areas in Connecticut<sup>7</sup>. The state's

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<sup>2</sup> CONN. GEN. STAT. § 9-14 (2014).

<sup>3</sup> CONN. GEN. STAT. § 9-14a (2014).

<sup>4</sup> Table of Facility by Race, Racial Distribution Among Correctional Facilities, Population Confined March 1, 2021, Connecticut Department of Correction (Mar. 1. 2021), <https://portal.ct.gov/-/media/DOC/Pdf/MonthlyStat/Stat03012021.pdf>

<sup>5</sup> [https://www.prisonersofthecensus.org/ct/report2013.html#\\_ftn9](https://www.prisonersofthecensus.org/ct/report2013.html#_ftn9)

<sup>6</sup> Peter Wagner, Prison Policy Initiative, Imported "Constituents": Incarcerated People And Political Clout In Connecticut (2013), [https://www.prisonersofthecensus.org/ct/report\\_2013.pdf](https://www.prisonersofthecensus.org/ct/report_2013.pdf)

<sup>7</sup> *Id.*

deliberate decision to allow the inflation of voting power in small majority white towns, while diluting the voting power of Connecticut's largely minority urban cities violate the constitutional mandate of "*one person, one vote*" which the Supreme Court has routinely upheld<sup>8</sup>.

It is time for Connecticut to put an end to prison gerrymandering and Senate Bill 753 is a step in the right direction. The aforementioned five towns are not invested in re-entry or education programs for those individuals who are incarcerated in their district but nonetheless benefit from their physical presence to have inflated populated districts drawn in a manner which grants them a greater voice and representation at state and federal levels. The elected officials of these "prison districts" do not represent those incarcerated therein nor do they perform any legislative services on their behalf. While the districts enhance their political power, the home districts of those who are incarcerated suffer from a dilution of voting power and representation in government.

Equal representation is at the core of our democracy. When a practice exists that artificially inflates the political power of rural residents at the cost of diluting the vote of urban residents, we are perpetuating a continuous disenfranchisement of Latino and Black communities. We urge the legislature to consider the continuous discriminatory harm caused by prison gerrymandering and move forward with enacting SB 753.

Respectfully,

Fulvia Vargas-De Leon  
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<sup>8</sup> *Reynolds v. Simms*, 377 U.S. 533 (1964).